

Abstract and key words

Thesis: Constitutional limits of statutory regulation of the provision of health care

Abstract

The main goal of this thesis is to characterize and analyse the legal regulation concerning the provision and payment of health care under Czech law. This analysis is based mainly on the Charter of Fundamental Rights and Basic Freedoms as the foundation for the constitutional perspective.

The thesis therefore begins with the constitutional limits of the provision and payment of health care. The right to health care is provided by Article 31 of the Charter of Fundamental Rights and Basic Freedoms, which is the basis for its constitutional provision. As the Charter is a complex document, Article 31 must therefore not be seen as isolated, which is why other Articles are taken under consideration. This provides a complex view of the right to health care in the Czech constitution.

The thesis then focuses on the characterization of statutes and executive regulations, which provide the basic right to health care. This part of the thesis is focused mainly on the Public Health Insurance Act, as the most important statute in this area and also on executive regulations based on the Act, which imminently regulate the right to health care.

Both of these parts of the thesis serve as a precise explanation of the grounds on which further analysis of legal regulation of the provision of health care is based. This analysis consists of assessing the regulation in the perspective of keeping the constitutional requirements and also in specifying the problems emerging from the regulation, and is a cardinal part of the thesis. The thesis also points out possible unconstitutional parts of the regulation. The decisions of the Czech Constitutional Court are also taken into consideration, as the Constitutional Court repeatedly ruled on constitutional limits of the right to health care and its essence and meaning.

The analysis is not only theoretical. It describes the impact of particular legal regulations regarding the enforceability of the right of the person insured to the provision and payment of health care.

Possible solutions for the current unsatisfactory state of the regulation are presented in the conclusion of the thesis.

Key words

constitutional limits, provision of health care, payment for health care, public health insurance, right to health care